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VIEWS

It's only for the duration

THE DRAFT

PART II -- POSSE PRAESEDENTIS

When I ask the question, "Will the republic go on--even though it uses forced conscription?" I mean to use the word "republic." I am not asking, "Will the name 'United States of America' survive to be written across the map of our continent to symbolize a certain mass of land and the people who

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live thereon?" Quite likely it will. It may even seem to be a republic in governmental form.

But it will not be my kind of republic. It most certainly will not be the kind created and intended by its founders. The institution of forced conscription and the concomitant tyrannies this institution encourages will, too soon, make the documents they wrote when they founded our republic read as though written of a lost golden age, as far from the understanding of tomorrow's collectivized "it" as the Greek ideal of the life of reason was from that of a land-bound serf in the Middle Ages.

I cannot speak of all the intentions of the founders--but some of them can be derived from the work they did. They did write a Constitution, which contained one theme--freedom. All else was a variation upon that theme, an attempt to codify and protect and institutionalize that one condition which they saw with blazing passion as being a necessity.

They knew that war has always been a prerogative of government. When a nation establishes itself, it must establish how it shall war. One thing they had not come together to do in Philadelphia: they had not come to create an efficient institution for making aggressive war. They saw the methods of Europe as incompatible with liberty. War-making power was too much centered in the head of state, and too often this head had as his instrument a standing army, loyal only to him and ready at his whim to carry out acts of tyranny. Thus it had been for hundreds of years.

But the founders of this country did not conceive of the state as a means primarily of making war; rather, they saw it as an institution to preserve liberty. For this purpose, war was only a last resort; something necessary for defense.

This may seem simple to us, but it is radical. War powers are of the essence of government. In them lies the dark pit of potential dictatorship, into which the most liberty-conscious, justice-oriented state may fall, almost without noticing.

So it was with one Greek city-state after another. So it was with Rome. So it can be with us. It is this that I wish to demonstrate here.

If the head of state at his discretion (or with the concurrence of a

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relatively few advisors) can choose when and where to make war, without conferring with the people's representatives, the liberty of that nation's citizens is in jeopardy.

When the founders of this country met in Philadelphia, this was what they wished to provide against. Tyranny was to be ended, particularly in the executive. Fundamentally, the argument in the convention of 1787 was over which kind of executive would best serve the preservation of liberty--a strong, centralized one, with barely limited prerogatives, or a divided, checked one, with delegated powers subject always to review and control. The end result was a compromise.

The founders knew that war powers had to be vested somewhere--so, after argument, committee consultation, and a long look at history, they divided these powers and thus thought they had put a check upon them. The division was between the President and the Congress.

In the beginning it seemed very explicit. "The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States...." (Article II, Section 2, U. S. Constitution) On the other hand, "The Congress shall have Power...To declare War...To raise and support Armies...To provide and maintain a Navy...To make Rules for the Government and Regulation of the land and naval Forces...To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions...." (Article I, Section 8, U. S. Constitution)

There is no doubt as to the intent of the founders. Here as elsewhere in the Constitution they sought as perfectly as possible to secure their liberties. Seeing clearly the potential danger of dictatorship coming into being by the exercise of extraordinary powers by the executive in wartime, they provided that while the President commands the military, it is the legislature which brings it into being, finances it, and states where and when it shall be committed to war. Just having an army around was cause for doubt and suspicion. It was not enough to put command in the hands of an elected civilian, unlikely to be of the military caste. Every two years the army has to come for funds to Congress, lest it grow beyond the control of the people's representatives.

But there is one issue which was not spelled out in the Constitution,

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because in my opinion it was never fully resolved. Command of the military was given to the President because it was recognized that when decisions are to be made in an emergency, they can be made most efficiently by one man, rather than by a committee. Alexander Hamilton, who attended the Constitutional Convention for most of the time it was in session, later wrote, "Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand: The direction of war implies the direction of the common strength; and the power of directing and employing the common strength forms a usual and essential part in the definition of the executive authority." (Federalist Papers, Number 74) At the same time, it was also recognized that emergencies sometimes called for emergency powers. The American jurist, Joseph Story (1779-1845), published in 1833 the definitive contemporary account of the time on the Convention and had this to say of the discussion of the military power of the executive: "The propriety of admitting the president to be commander in chief, so far as to give orders, and have a general superintendancy, was admitted. But it was urged, that it would be dangerous to let him command, without any restraint as he might make bad use of it. The consent of both houses of Congress ought, therefore, to be required, before he should take the actual command. The answer then given was, that though the president might, there was no necessity that he should, take command in person; and there was no probability that he would do so, except in extraordinary emergencies, and when he was possessed of superior military talents." (Corwin, p. 389, italics mine)

What was never resolved was, what precisely were the emergency war powers of the executive? Since they were not specified in the Constitution, there has never been agreement as to their limitation. What may have seemed obvious at the Constitutional Convention did not seem obvious to later Supreme Court Justices, or to later Presidents.

Alexander Hamilton pointed out in Federalist Paper Number 69 that while the proposed President might be considered the same as the king of Great Britain in that he would be supreme commander, in reality the President's powers were "much inferior," for the power "of the British king extends to the declaring of war and to the raising and regulating of fleets and armies,--all which, by the Constitution under consideration, would appertain to the legislature." (Italics Hamilton's) Yet, less than a hundred years later, it was considered part of the President's prerogative to order an increase in the armed forces, to call forth the state militia, and to order an act of war (the blockade of the coast of the potential belligerent) without convening

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Congress for a declaration of war.

Obviously, the Constitution had been subject to interpretation. Hamilton and his fellow Federalists approved of the division of the war powers between President and Congress. But Hamilton sincerely believed that only a strong centralized government could truly protect liberty, and he actively sought for a greater dominion over the state governments by the national government. Chief Justice John Marshall, head of the Supreme Court from 1801 to 1835, effected this shift, and set the foundation for a further area of power change--that of centering in the national executive many of the powers which had been so carefully divided in the Constitutional Convention.

Marshall used broad interpretation of the wording of the Constitution to implement his Federalist values. For him, the means in the Constitution by which the national government was made to prevail over the states was the application of the second paragraph of Article VI, the "supremacy clause": "This Constitution and the Laws of the United States which shall be made in Pursuance thereof...shall be the supreme law of the land...." This meant that the laws passed by the national Congress, if constitutional, superceded any state laws in the same area. As one commentator puts it, "It was Marshall's position that the supremacy clause was intended to be applied literally, so that if an unforced reading of the terms in which legislative power was granted to Congress confirmed its right to enact a particular statute, the circumstance that the statute projected national power into a hitherto accustomed field of state power with unavoidable curtailment of the latter was a matter of indifference." (Corwin, p. xii)

One can see this reasoning in his opinion of 1819 in the case of McCulloch v. Maryland. Since the government has the power "to lay and collect taxes; to borrow money; to regulate commerce; to declare and conduct war; and to raise and support armies and navies," and since Congress has the power to make "all laws, necessary and proper for carrying into execution" these powers, it follows for Marshall that the national government has the implied power to take up any and all means to achieve these ends (unless expressly forbidden by the Constitution). And so, said he, the government has the power to set up a bank or corporation. (Cushman, p. 9ff.)

On February 15, 1791 (twenty-eight years earlier), Thomas Jefferson in his Opinion on the Constitutionality of a National Bank had pointed out that a bank was not necessary to the execution of the enumerated powers in the

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Constitution; the most that can be said for it was that it would be a convenience. "The Constitution allows only the means which are 'necessary,'" he said, "not those which are merely 'convenient' for effecting the enumerated powers. If such a latitude of construction be allowed to this phrase as to give any non-enumerated power, it will go to every one, for there is not one which ingenuity may not torture into a convenience in some instance or other, to some one of so long a list of enumerated powers. It would swallow up all the delegated powers, and reduce the whole to one power..." (Jefferson, p. 9) and that, he pointed out, "would reduce the whole instrument to a single phrase, that of instituting a Congress with power to do whatever would be for the good of the United States; and as they would be the sole judges of the good or evil, it would be also a power to do whatever evil they please." (Jefferson, p. 8)

One might say that Marshall established the judicial doctrine that the end, if it be but constitutional, justifies the means. Or, in Marshall's words from McCulloch v. Maryland, "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end which are not prohibited, but consist with the letter and the spirit of the Constitution, are constitutional...." (Cushman, p. 17) This kind of reasoning has been used to justify, for the legitimate end of winning a war, such "not prohibited" acts as wage and price controls, seizure of private industries, and the indefinite interning of American citizens. After all, how does one know the spirit of the Constitution?

Marshall did not believe that the presidency should be hedged about by objective, predictable limits. It was he who enunciated the doctrine that the Supreme Court is not a check on the actions of the executive. In Marbury v. Madison he stated: "...the President is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character, and to his own conscience....there exists, and can exist, no power to control that discretion...." (Corwin, p. xx)

All of this realignment, this contravening of the basic intent of the founders, and of the basic meaning of the Constitution was to bear its first full expression in the administration of Abraham Lincoln.

Abraham Lincoln would certainly have concurred with Marshall, if his

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actions are any sign of the nature of his political philosophy. For him, the national government, that is, the Union, had almost the importance of a crucial religious tenet. Its preservation was worth any cost. He would do, and did, just about everything to preserve that Union. He truly disliked slavery; over and over he held that it must not expand into new territories--but he did not insist that the institution itself be ended. He was quite willing for individual states to keep slavery if that would preserve the Union.

So before it came to war, he tried the politician's other favorite tool, compromise. On December 20, 1860, Senator Thurslow Weed of New York saw Lincoln in Springfield, Illinois, and asked him what his position on slavery was. This was just after Lincoln's election, an election in which he polled a plurality of roughly 40% of the popular vote. The answer he gave Weed (by Weed's statement at the time) was then put before the Senate Committee on the Crisis. Lincoln suggested that the Constitution be amended to provide protection of the institution of slavery in those states where it already existed. This was actually made into a suggested Thirteenth Amendment to the Constitution and officially passed by the House on February 28, 1861, and by the Senate on March 2, 1861. It read as follows: "No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any state, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said state." (Hansen, p. 33) In the month or so that followed before hostilities began, three states had already ratified. (Beard, p. 65)

On April 15, 1861, after the surrender of Fort Sumter, Lincoln "in virtue of the power in me vested by the Constitution and laws" called out to national service 75,000 of the states' militia. Curiously, Lincoln later justified this act as being derived from the authority a marshal has in executing his duty when a force greater than his impedes him, that is, the "authority to summon the entire able-bodied force of his precinct as a posse comitatus..." (Corwin, p. xx) But the Constitution had listed the calling out of the militia as one of enumerated powers of Congress.

Up to this time only the states of the Deep South had seceded. Now many Southerners who had been fence-sitting saw in this call a clear intent to coerce sovereign states, and almost immediately North Carolina, Tennessee, Arkansas, and, most importantly, Virginia, joined the others in secession.

At the time he made this proclamation, Lincoln also summoned Congress

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to meet. But not immediately. He set the date for July 4--over two and one half months away.

Quite clearly the Constitution reserves to Congress the powers to raise and maintain armies and to declare war. Quite clearly a congress cannot exercise its powers unless it be in congress assembled. This was not the eighteenth century. Days, at most a week or so, was all the travel time necessary to bring together a quorum--certainly not two and one half months.

Instead, Lincoln in effect took upon himself these powers, so carefully divided from his office when it was created by his forefathers some four score years before. On April 19, he proclaimed a blockade of the Southern seaboard. On May 3, he issued a call for volunteers to increase the size of the federal army. In these acts there was no doubt that it was war. Congress, when it convened that summer, could only ratify a fait accompli.

In 1863 the Supreme Court ruled that Lincoln had acted within his constitutional powers in ordering the blockade, by a vote of five to four (with three of the majority being Lincoln appointees). The Court reasoned (through the majority opinion by Justice Grier) that the war had existed at the time of the blockade. Why? Because a blockade is an act of war. Wars don't need to be declared to come into being. It is up to the President to "determine what degree of force the crisis demands. The proclamation of blockade is itself official and conclusive evidence to the Court that a state of war existed...." (Hockett, Vol. I, p. 278, re: The Prize Cases of 1863)

Early in the same summer, Lincoln suspended habeas corpus along the lines of communication from Washington to Philadelphia. A general, following Lincoln's orders, refused to act on a writ of habeas corpus issued by none other than the Chief Justice of the Supreme Court himself (acting as a circuit judge) with respect to a man held without warrant who was suspected of being part of a movement to separate Maryland from the Union. In response to this refusal, Chief Justice Taney authorized a marshal to arrest the general holding this man. The marshal could not effect the arrest; he lacked the manpower to enter the general's fort. (Hockett, Vol. I, p. 280ff.)

The Constitution does grant the government the power to suspend habeas corpus, although quite clearly only in times of the greatest and most immediate peril. This power is not clearly delegated to any branch of government, but it is listed in that article having to do with the legislative functions.

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(Article I, Section 9) Up to 1861 this power had been regarded as belonging to Congress. (Hockett, Vol. I, p. 281) Lincoln assumed it to himself. The Congress, when at last it did convene, did not contradict his assumption (also it did not approve it).

Lincoln did, however, feel it was incumbent upon him to make an explanation to Congress. How did Lincoln justify his acts? Here are his own words from a message to Congress, July, 1861:

> "The attention of the country has been called to the proposition that one who is sworn to 'take care that the laws be faithfully executed' should not himself violate them. Of course some consideration was given to the questions of power and propriety before this matter was acted upon. The whole of the law which were required to be faithfully executed were being resisted and failing of execution in nearly one-third of the States. Must they be allowed to finally fail of execution, even had it been perfectly clear that by use of the means necessary to their execution some single law, made in such extreme tenderness of the citizen's liberty that practically it relieves more of the guilty than of the innocent, should to a very limited extent be violated? To state the question more directly, Are all the laws but one to go unexecuted and the Government itself to go to pieces lest that one be violated?" (Hockett, Vol. I, p. 282-83)

In September, 1862, Lincoln went further. He set up on the foundation of suspended habeas corpus a military system of arrest and trials with military tribunals taking the place of the courts. He "issued a proclamation in support of the draft then in progress, declaring that all persons resisting the draft or discouraging volunteer enlistments should be subject to martial law and trial by court-martial, and that no resort to the writ of habeas corpus should be allowed on behalf of persons placed under military arrest....Lincoln's course suspended the Fourth, Fifth, and Sixth Amendments, with their safeguards against arbitrary arrest and even imprisonment...." (Hockett, Vol. I, p. 284) This is a power which an earlier Supreme Court decision even denied Congress.

A normally impartial constitutional commentator evaluated this action in this way: "The President's action without congressional authorization bordered on military despotism. Lincoln's course seemed to recognize no

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rule or restraint but his own judgment of what was necessary." (Hockett, Vol. I, p. 284-85)

Thus came into being a new tradition of presidential power. It was to have consequences in the future. "Since Lincoln performed various acts especially in the early months of the Civil War which, like increasing the Army and Navy, admittedly fell within the constitutional province of Congress, it seems to have been assumed during World War I and World War II that the Commander in Chiefship carried with it the power to exercise like powers practically at discretion; and not merely in wartime but even at a time when war becomes a strong possibility." (Corwin, p. 391)

It was seventy-five years before a President exceeded Lincoln in the acquisition and use of the war powers. Potentially, at least, under Franklin Delano Roosevelt the total prerogatives of state power were concentrated in the presidency. After him, any change in these powers has only been a matter of degree and of the style of the President exercising them.

This warror did not wait for war. With the ideas, decisions, and actions of Hamilton and Marshall and Lincoln as precedent, he had but to assert his power and it was not contained. In May, 1940, a year and a half before our entry into war, he created an agency by simple executive fiat. This was the Office of Emergency Management, which was to be the parent agency of the many formed during the war to deal with various wartime "emergencies." It was answerable only to him. In the Spring of 1941, he proclaimed an unlimited National Emergency. A few days later, without conferring with Congress, he seized the North American Aviation plant in Inglewood, California. (Production was halted because of a strike.) During the war itself hundreds upon hundreds of firms were similarly seized by his order.

When war came he readily approved the actions of Governor Poindexter of Hawaii when on December 7, 1941, the Governor suspended the writ of habeas corpus throughout the islands and turned over his powers as governor to the local commanding general. The subsequent period of martial law was not fully ended in Hawaii until October 24, 1944--over a year after any threat of invasion. (Much of the military usurpation of civil powers and the delay itself were later found to be contrary to law and precedent and the intent of Congress when it passed the law making Hawaii a territory

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by the Supreme Court in 1946.) (Cushman, p. 76ff.)

In my opinion, Roosevelt's greatest single act of wartime tyranny was his executive order of February 19, 1942 (later ratified by Congress), in which he directed the seizure of 70,000 native-born citizens and 30,000 alien-born residents and their removal to internment camps simply because they were Japanese by blood. (The action was later found to be in accord with the Constitution.) (Cushman, p. 74, 75)

With respect to all these decisions, Congress might as well have not existed. Lincoln had gone through the motions of asking his Congress to condone his acts. Not so Roosevelt, not with any fundamental belief that any primary power lay with Congress. For him, war concentrated all powers in his person, as is clearly shown in his message to Congress, September 7, 1942. He stated: "I ask the Congress to take this action by the first of October....In the event that Congress should fail to act, and act adequately...I will act....This I will do. The President has the powers... to avert a disaster which would interfere with the winning of the war." (The legislative action he sought and which he would effect by fiat if he didn't get what he wanted had to do with wide-range economic controls.)

He removed from Congress all effective control over the creation of agencies and other bodies for the pursuit of the war effort. By the end of the war there were 29 such agencies grouped under the Office of Emergency Management alone, including the War Manpower Commission and the Office of Censorship. There were 101 government corporations engaged in virtually every line of business and these were so autonomous they did not even answer to the President nor did they have to submit their books for audit. (Corwin, p. 393)

Roosevelt sent no American troops abroad before a formal declaration of war. The fear of atomic weapons, and the fear that full-scale war would entail their use, has added this power also to the presidential arsenal. But essentially the war powers of the President today are where Roosevelt extended them. There really isn't much further they can go. The founders set up a republic of limited powers based on a written Constitution. In time of war we have only a shell of that republic. But one area the war powers have left more or less intact are the freedoms of the press, of speech, of assembly, and of petition. It is our possession of these that gives us the means to regain and reconstitute the republic.

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But--there is the draft. Wars must be fought by men; it is forced conscription which guarantees the availability and use of that collection of presidential powers I term the posse praesidentis, the war powers. Lincoln, Wilson, Roosevelt, like the present Administration, all considered the draft necessary. And at the same time, it is the draft that more and more makes possible and likely the need by the President to take these powers upon himself. To put it simply, having the men, the executive can that much more easily take the action which gets us into the kind of trouble where those men and the powers of posse praesidentis are needed.

When there is peace the republic still functions somewhat as it was founded. If we can keep ourselves out of war, we can keep ourselves for the while out from under posse praesidentis. But we seem to have been almost continuously at war since World War II.

At the present time, appointed officials (using presidential powers) can treat the republic as if it were some super individual, theirs to commit at whim (though with a nod to "public opinion" and the need to look as if they are going through the forms of the Constitution). The President alone (though actually with the concurrence of his advisers and the acquiescense of his supporters in Congress) can with an order as Commander-in-Chief (sometimes in combination with his treaty-making powers) promise armed forces and even commit them to action without either declaration of war or even the approval of an aroused citizenry.

How is he able to do this? What gave a Truman such confidence that he would have the forces necessary to save a Korea? How could an Eisenhower be confident that if things went sour in his occupation of Lebanon there were sufficient numbers of men available to salvage the situation? What is the source of Johnson's confidence that we will be able to send all the men necessary to save South Vietnam and still maintain treaty obligations all over the world and at the same time be able to take on the odd Santo Domingo or so?

The source of this confidence is, of course, the draft, actual or potential. Today virtually the whole of U. S. foreign policy depends upon the fact of forced conscription. It is this that allowed Napoleon to rampage across Europe, it is this that allows the President to commit us as the "free world's" protector any time, any place, at whatever potential or actual cost in blood.

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When this commitment becomes unexpectedly demanding as it did in Vietnam, what can be done? Step up the draft. At the same time barrage the people with propaganda, invoke the "national honor," the duty to sacrifice, the debt we supposedly owe to "free peoples everywhere." And never let Congress forget that our boys are already there, already dying, and they can't be abandoned. Congress is outflanked again, just as it was by Lincoln. It can only ratify the action. If it doesn't, there is always Roosevelt's "This I will do" approach--especially if the manpower is available and the articulate consensus is on your side.

With all the panoply of posse praesidentis, if the President were actually denied all possibility of using forced conscription (as by constitutional amendment) it would be much harder to get both Congress and the people to accept these small wars.

First, the President might more often have to await a formal declaration of war by Congress (or the equivalent in word or deed by the enemy). Even if he did not, and he did get U. S. armed forces engaged in hostilities, he would then have to depend upon volunteers. This means he would have to convince young men to come into the armed forces by their own choice.

Without the draft the President and the other wielders of posse praesidentis would be much less free to define the nation's purposes outside the elective, representative process.

I am not saying that abolition of forced conscription would stop all the tyrannies exercised by our over-centralized, over-powerful, all-too-supreme, all-too-national National Government.

But if the President and his supporters had to go on the general labor market to get the men for a Vietnam, they would have to offer more than sombre pronouncements about national honor, duty, and the call to sacrifice.

There is no doubt that North Vietnam is totalitarian. It is a Communist police state with all the unspeakable brutalities that such a state requires. But it is not bombing the outskirts of San Francisco, it is not pondering whether to reduce our industries to rubble or not. They may wish such power, they may have the will, but they don't have the means. If we left Vietnam tomorrow, the North Vietnamese would not pursue us.

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This being the case, without the draft only the call to patriotism or to adventure and/or the blandishment of money could get together an army for Vietnam. Such an army is not impossible. High pay built the radar posts in the Far North. High pay put the tunnels under New York City's rivers. The call to adventure opened the West. In my opinion, it was patriotism that put together the victorious American forces of World War II, not the draft. But if the men would not come, even for money or adventure or patriotism, then if all Congressmen and all the President's advisors wanted it, there could be no war. And isn't it right that this should be the case? Do we want to be engaged in wars which cannot be defended to the American people? Or have our leaders become so cynical that they really hold that the American people cannot and will not take those actions which in fact must be taken if the country is not to fall?

The one time a draft is least necessary and most an insult to freedom is in times of real defense, when an enemy actually threatens the existence of the nation. Such wars as these can't be kept a secret. People know an enemy when it is big enough to be a threat. When men live in a free land, they know the value of freedom. As in World War II, there is no shortage of men willing to fight. (If the citizenry were actually enjoying the conditions of liberty and yet did not see these conditions as worth the effort of defense, then that country's free institutions would be finished anyway.)

From the evidence of history, this is not what has happened. Hundreds of thousands enlisted in World War II; millions more would have enlisted had they not been drafted. (In fact, as many military men will admit privately, too many men were drafted for efficient use, with large sections of the drafted armed forces busy providing services for each other with little or no net gain.) It was not the fact of forced conscription that took England through "her finest hour." It was the will of individual free men choosing to give everything they were to the defense of that freedom. Where there was widespread willessness, as in France in 1940, one of the most universal systems of forced conscription in the world could not save the nation from defeat. A draft is obviously not effective, except under conditions where it is not necessary.

Does anyone really believe that any enemy in the world could prevail

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in an attack upon the United States? Only in one context: if by that time the United States had become the home of massive tyranny and the "enemy" approaching were in fact liberators. (This was what many Russian troops believed the invading Germans to be in the Spring of 1941 and so defected in huge numbers--until to their horror they discovered there was a tyranny in the world even bloodier than their own, and from this gained the will to resist.)

Naturally, such a radical approach as a truly volunteer armed force would take some new thinking. Despite the fact that most military men know that one volunteer is worth several recalcitrant conscripts, the American military doesn't really want to be completely on its own.

Being on the open market like the police and firemen and the other high hazard occupations would require such an army to adopt some different policies. In an article of this short length these can only be lightly sketched in. I cite them only to show that a draft-free America really is within the possibility of reason.

The armed forces would still be able to utilize the very real and very proper motive of patriotism to attract men, just as many men now join the police force or the FBI, not to get rich, but out of a real concern for justice and its implementation.

The personnel policies of the armed forces could be refashioned to be more like that of large industry. Qualifications could be more varied according to the job. Not everyone coming in has to be as fit as a front-line infantry man, not everyone has to be prime in age and health, any more than do all employees of General Motors.

The salaries and wages offered, and the other benefits offered in the way of pensions, insurance, and so forth, would have to be increased to match the level offered in the society in general. As has always been the case, when the pay is right, fewer men end up doing a better job and faster than a gang of low paid malcontents. This might require a radical rethinking of the national budget: we now expect men to be willing to die on a salary they could not live on.

Manpower could be further conserved, not only by more businesslike

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personnel methods and competitive pay scales, but by using automation of weapons and weapons support systems as much as possible. (This is being done more and more, even now.)

Many of the functions now fulfilled by the armed forces at great waste and duplication could be turned over to competitive private industry. This could include those parts compatible with security of such functions as supply, transportation, records keeping, storage, research, weapons testing, base maintainance, personal services and medicine.

But above all, such an armed force would be one of free men, whose purpose was that of clear-cut national defense. History has proven such forces do not get defeated.

As long as the draft exists, the contradiction is maintained: TO BE PERMANENTLY FREE, WE MUST TEMPORARILY ENSLAVE.

Whatever we'll have as a result of maintaining this contradiction, it isn't going to be permanent freedom. Posse praesidentis precludes that.

Nor will we have my kind of republic. The question you must ask yourself is, would it be your kind of republic?

If you are for a republic of limited powers whose primary purpose is the protection of individual rights, then this is not your kind of republic. And whatever else should also be changed, it can never be your kind of republic until the draft is finally and irrevocably abolished.

--David J. Dawson

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